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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Gharib et al.  
Title: System and Methods for Performing Surgical Procedures and Assessments  
Docket No.: 071US1  
Filed: March 25, 2004  
Examiner: Unknown  
Serial No.: 10/809,280  
Due Date: N/A  
Group Art Unit: 3739

**MS Amendment**

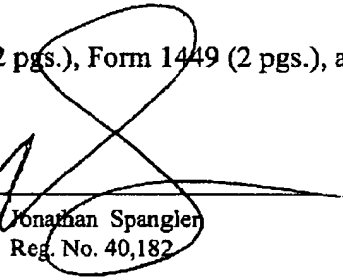
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard and this transmittal document.
- ☒ An Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 9 cited documents.

**Customer Number: 30328**

By

  
Jonathan Spangler  
Reg. No. 40,182

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of May, 2005.

MEREDITH MESCHER  
Name

Meredith Mescher  
Signature

(GENERAL)



SAN 10/809,280

PATENT

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the referenced materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 50-2040 in order to have this Supplemental Information Disclosure Statement considered.

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

1 The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

JAMES GHARIB ET AL.

By their Representatives,

**CUSTOMER NUMBER: 30328**  
858-909-1807

Date May 5, 2005

By   
Jonathan Spangler  
Reg. No. 40,182

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of May, 2005.

MEREDITH MESCHER  
Name

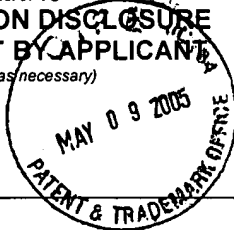
Meredith Mescher  
Signature

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	10/809,280
Filing Date	March 25, 2004
First Named Inventor	Gharib, James
Group Art Unit	3739
Examiner Name	Unknown

Sheet 1 of 2

Attorney Docket No: 071US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US-1,548,184	08/04/1925	Cameron, W. J.	
	US-20050004623A1	01/06/2005	Miles, P. , et al.	
	US-2,808,826	10/08/1957	Reiner, S. , et al.	
	US-4,164,214	08/14/1979	Stark, M. M., et al.	
	US-4,461,300	07/24/1984	Christensen, J. M.	
	US-5,759,159	06/01/1998	Masreliez, C. J.	
	US-6,334,068	12/25/2001	Hacker, D. C.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
	WO-03037170A3	05/08/2003	Miles, P. , et al.		

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ANDERSON, D. G., et al., "Pedicle screws with high electrical resistance: a potential source of error with stimulus-evoked EMG", <u>Spine</u> , 27(14), Department of Orthopaedic Surgery, University of Virginia, (Jul 15, 2002), 1577-1581	
		DANESH-CLOUGH, T. , et al., "The use of evoked EMG in detecting misplaced thoracolumbar pedicle screws", <u>Spine</u> , 26(12), Orthopaedic Department, Dunedin Hospital, (Jun 15, 2001), 1313-1316	
		DARDEN, B. V., et al., "A comparison of impedance and electromyogram measurements in detecting the presence of pedicle wall breakthrough", <u>Spine</u> , 23(2), Charlotte Spine Center, North Carolina, (Jan 15, 1998), 256-262	
		EBRAHEIM, N. A., et al., "Anatomic relations between the lumbar pedicle and the adjacent neural structures", <u>Spine</u> , 22(20), Department of Orthopaedic Surgery, Medical College of Ohio, (Oct 15, 1997), 2338-2341	
		HAIG, "Point of view", <u>Spine</u> 27 (24), 2819	
		HAIG, A. J., et al., "The relation among spinal geometry on MRI, paraspinal electromyographic abnormalities, and age in persons referred for electrodiagnostic testing of low back symptoms", <u>Spine</u> , 27(17), Department of Physical Medicine and Rehabilitation, University of Michigan, (Sep 1, 2002), 1918-1925	
		HOLLAND, N. R., et al., "Higher electrical stimulus intensities are required to activate chronically compressed nerve roots. Implications for intraoperative electromyographic pedicle screw testing", <u>Spine</u> , 23(2), Department of Neurology, Johns Hopkins University School of Medicine, (Jan 15, 1998), 224-227	
		MINAHAN, R. E., et al., "The effect of neuromuscular blockade on pedicle screw	

**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached

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Substitute for form 1449A/PTO

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<b>Group Art Unit</b>	3739
<b>Examiner Name</b>	Unknown

Sheet 2 of 2

Attorney Docket No: 071US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		stimulation thresholds", <u>Spine</u> , 25(19), Department of Neurology, Johns Hopkins University, School of Medicine, (Oct 1, 2000), 2526-2530	

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